



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 08 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7669 3493
RETURN RECEIPT REQUESTED

Mr. Mark Glidden
President
R3 Composites
14123 Roth Road
Grabill, Indiana 46741

Re: Notice of Violation
Compliance Evaluation Inspection
EPA I.D. No.: IND016351272

Dear Mr. Glidden:

On July 9, 2015 representatives of the U.S. Environmental Protection Agency and the Indiana Department of Environmental Management inspected the R3 Composites (R3) facility located in Grabill, Indiana. As a large quantity generator of hazardous waste, R3 is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.* (RCRA). The purpose of the inspection was to evaluate R3's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by R3, EPA's review of records pertaining to R3, and the inspector's observations, EPA has determined that R3 has unlawfully stored hazardous waste without a permit or interim status as a result of R3's failure to comply with certain conditions for a permit exemption under 40 C.F.R. §§ 262.34(a)-(c), which are incorporated by reference into the Indiana Administrative Code (IAC) at 329 IAC 3.1-7-1. EPA has identified the permit exemption conditions with which R3 was out of compliance at the time of the inspection in paragraphs 1 through 5, below.

Many of the conditions for a RCRA permit exemption are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from 329 IAC 3.1-10-1, 3.1-10-2(1)(2)(3), the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. The exemption condition identified in paragraphs 1-5 are also independent TSD requirements incorporated from 40 C.F.R. Part 265. Accordingly, each failure of R3 to comply with these conditions is also a violation of the corresponding requirement of 40 C.F.R. Part 265 (if the

facility should have fully complied with the requirements for interim status), or 40 C.F.R. Part 264, which is incorporated by reference into the Indiana Administrative Code at 329 IAC 3.1-9-1 (if the facility should have been permitted).

Finally, EPA has determined that R3 violated the RCRA requirements as described in paragraphs 6 through 10, below.

STORAGE OF HAZARDOUS WASTE WITHOUT A PERMIT OR INTERIM STATUS AND VIOLATIONS OF TSD REQUIREMENTS

At the time of the inspection R3 was out of compliance with the following large quantity generator permit exemption conditions.

1. Training Record Maintenance

A large quantity generator must maintain records which document that the training or job experience described in 40 CFR § 265.16 has been given to and completed by facility personnel. Training records must include a written job description for each position which includes job duties of facility personnel assigned to each position as required by 40 C.F.R. §§ 262.34(a)(4), and 265.16(d) (2) [329 IAC 3.1-7-1 and 3.1-10-1].

At the time of the inspection, training records for Aquatics did not include hazardous waste job duties (responsibilities) in its job descriptions as required by 40 §§ 262.34(a)(4) and 265.16(d)(2). On August 3, 2015, Bill Combs of SevenGen supplied an updated job description for Aquatics employees listing hazardous waste handler responsibilities. This deficiency has been corrected.

2. Training Records Maintenance

A large quantity generator must maintain a document at the facility that includes the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job as required by 40 CFR §§ 262.34(a)(4) and 265.16(d)(1). [329 IAC 3.1-7-1 and 3.1-10-1].

At the time of the inspection, R3 did not have a "master list" which recorded the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job.

3. Purpose and Implementation of Contingency Plan

A large quantity generator must have a contingency plan for its facility. The contingency plan must be designed to minimize hazardous to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or

hazardous waste constituents to the air, soil, or surface water as required by 40 CFR §§ 262.34(a)(4), 265.51. [329 IAC 3.1-7-1 and 3.1-10-1].

At the time of the inspection, the area of the facility occupied and operated by Aquatics was not included in the contingency plan.

4. Content of Contingency Plan.

A large quantity generator must have a contingency plan that lists the names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date as required by 40 CFR §§ 262.34(a)(4) and 265.52(d). [329 IAC 3.1-7-1 and 3.1-10-1].

At the time of the inspection, the list of emergency coordinators was not up to date. On August 3, 2015, Bill Combs of SevenGen provided an updated list of emergency coordinators. This issue has been corrected.

5. Use and Management of Containers

A large quantity generator must inspect areas where containers are stored at least weekly looking for leaking containers and for deterioration of containers caused by corrosion or other factors as required by 40 CFR §§ 262.34(a)(1)(i), 265.174 [329 IAC 3.1-7-1 and 3.1-10-1].

At the time of the inspection, the facility's inspection log indicated that a two week gap in inspections occurred in the Aquatics hazardous waste accumulation area during the month of January 2015.

Summary: By failing to comply with the conditions for a permit exemption, above, R3 became an operator of a hazardous waste storage facility, and was required to obtain an Indiana hazardous waste storage permit. R3 failed to apply for such a permit. R3's failure to apply for and obtain a hazardous waste storage permit violated the requirements 329 IAC 3.1-13-1, and 3.1-13-3(a) and (d) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Any failure to comply with a permit exemption condition incorporated from 40 CFR Part 265 is also an independent violation of the corresponding TSD requirement

OTHER VIOLATIONS

R3 violated the following generator requirements:

6. Hazardous Waste Determination

A generator must keep copies of any test results, waste analyses, or other determinations made in accordance with 40 C.F.R. § 262.11 [329 IAC 3.1-7-1] for at least three years

hazardous waste constituents to the air, soil, or surface water as required by 40 CFR §§ 262.34(a)(4), 265.51, [329 IAC 3.1-7-1 and 3.1-10-1].

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from the date that the waste was last sent for on-site or off-site treatment, storage or disposal as required by 40 C.F.R. § 262.40(c) [329 IAC 3.1.7-1].

At the time of the inspection, R3 did not have a copy of its hazardous waste determination for the waste with the hazardous waste code D018. The Hazardous Waste code D018 was observed on several hazardous waste manifests. Furthermore, hazardous waste determinations for wastes with the following hazardous waste codes were not provided: 1) U223, Toluene diisocyanate and 2) U239, Xylene. No hazardous waste determination was made on what appeared to be oil samples that were observed in a universal waste accumulation area.

7. Hazardous Waste Manifests

A large quantity generator must sign the manifest certification by hand as required by 40 CFR § 262.34(a) [329 IAC 3.1-7-1].

On the manifest numbered 007896067 FLE, Aquatics' representative, Mr. Ricardo Castanede, did not sign the manifest in the "generator's certification" but did sign the manifest in an area above this area. The manifest was not dated by the generator's representative but was appropriately signed by the transporter and receiving facility. An attachment to the manifest also notes a discrepancy on the amount of D001/F003 shipped by Aquatics.

8. Hazardous Waste Manifests/Land Disposal Restriction Notification

A generator of hazardous waste must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file with the initial shipment of waste to each treatment or storage facility. The notice must include the information in column "268.7(a)(2)" of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section as required by 40 CFR 268.7(a)(2).

At the time of the inspection, the hazardous waste code D018 was not included on Land Disposal Restriction Forms that were associated with hazardous waste manifests that included D018 as a characteristic of the waste being shipped.

9. Management of Universal Waste Lamps

A large quantity generator of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed as required by 40 CFR 273.33(d).

At the time of the inspection, one box of universal used lamps was observed to be stored open in the less than 90 day hazardous waste accumulation area that stored universal

waste. The box was closed by facility personnel at the time of the inspection. This issue has been corrected.

10. Management of Universal Waste Lamps

A large quantity generator of universal waste must mark or label each container or package of used lamps with any one of following phrases: "Universal Waste – Lamps" or "Waste Lamps" or "Used Lamps".

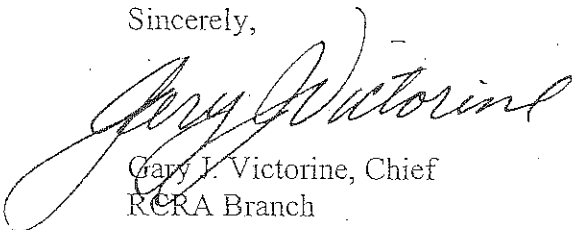
At the time of the inspection, one 8' box of universal waste lamps was observed in R3's less than 90 day hazardous waste accumulation area without the box being marked or labeled. The box was labeled by facility personnel at the time of the inspection. This issue has been corrected.

At this time, EPA is not requiring R3 to apply for an Indiana hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption outlined in paragraphs 1 through 5, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to establish compliance with the above conditions and requirements. You should submit your response to Robert Smith, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Mr. Smith, of my staff, at (312) 886-7568 or at Smith.Robert@epa.gov.

Sincerely,



Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Nancy Johnston, Indiana Department of Environmental Management
(njohnsto@idem.in.gov)